C.S.10-51

(1)

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Cr.A.No. 371 of 2001.

APPELLANT : VISHNU SINGH, aged about 33 Yrs Son of Paduman Singh, R/O - Village - Semartal, Police-Station Koni, Distt. Bilaspur.

VERSUS

RESPONDENT : The State of Chhattisgarh, Through: Police Station- Koni, District- BILASPUR(C.G.)

CRIMINAL APPEAL UNDER SECTION 374 OF THE CODE OF CRIMINAL PROCEDURE.

XI-HC-78

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...Cr. Appeal:.... 371/ **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -1-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19-02-2007

Appellant – Vishnu Singh with Shri Suresh Verma, Advocate.

Complainant – Smt. Shiv Kumari Suryawanshi with Shri Shiv Kumar Guha, Advocate.

Shri Guha, Advocate personally identifies the complainant – Smt. Shiv Kumari.

Identification be done in the order sheet.

M.(Cri.)P. No.1782/2006

Heard.

This is an application for permission to compound the offences. The same is supported by an affidavit of accused/appellant – Vishnu Singh and complainant – Shiv Kumari Suryawanshi.

By the aforesaid application filed under Section 320 (2) & (5) of the Code of Criminal Procedure, the parties are praying for permission to compound the offences.

Record perused.

The appellant has been convicted under Sections 451, 354 & 379 of IPC.

The allegations are that the appellant entered into the house of complainant and tried to outrage her modesty. Thereafter, he ran away after taking a cock from the house of the complainant.

All these offences are compoundable with the permission of the Court under Section 320 (2) & (5) of Cr.P.C.

(31)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...Cr. Appeal - 371/2001... **सन्** **200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

I have personally enquired from the complainant as to whether she has compounded the offences with the accused/appellant, on which, the complainant replied that she had compromised with the appellant and now, she does not want that the appellant should be convicted and sent to jail in this case.

In view of the above, the application for permission to compound the offences is allowed.

M.(Cri.)P. No.1782/2006 stands disposed of.

M.(Cri.)P. No.1781/2006

Heard.

This is an application for recording the compromise between the parties.

As stated above, the complainant, who is present in the Court and is duly identified by her counsel, says that she has entered into a compromise with the accused/appellant and she does not want that the accused/appellant should be convicted and sent to jail.

Similar is the statement of accused/appellant also. He states that he has compromised the matter with the complainant and now the relations between the parties are cordial and both of them want that the matter should be disposed of on the compromise.

The above statements made by both of them before this Court are taken on record.

XI-HC-78

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...Cr. Appeal- 371/2001 **सन्** **200**

(आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-3-	

In view of the above, this application for compounding the offences under Sections 354, 451 and 379 of IPC is allowed.

The appellant, who has been convicted under Sections 354, 451 and 379 of IPC and sentenced to undergo R.I. for one year, R.I. for one year, R.I. for 1 year and to pay a fine of Rs.300/-, in default of payment of fine to further undergo simple imprisonment for 2 months with a direction to run the sentences concurrently, is acquitted of the aforesaid offences, as a result of the compromise between the parties.

The matter stands finally disposed of.

Sd/-
SUNIL KUMAR SINHA
Judge